THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

WRIT APPEAL No. 859 of 2006

Date: 14-08-2006.

Between :

Fisherman Co-operative Society, Anajipuram, Nalgonda District,
rep. by its President.

.....Appellant

And

The Commissioner of Fisheries, Hyderabad & others.

.....Respondents.

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JUDGMENT : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the appellant.

The grievance of the petitioner-Society in the writ petition was that respondents were not issuing fishing orders for the current year, which was contrary to G.O.Ms.No.776. The learned Single Judge found that the Fisheries Development Officer had passed an order on 28.06.2006 in pursuance of the order of the Court, allowing the Society to exploit fish only up to the end of the fishing year i.e. 30.06.2006. The contention of the writ petitioner was that only two days time was given and whole crop could not be exploited. The learned Single Judge disposed of the writ petition with a direction that further two weeks time be granted to the Society for the purpose of exploiting the crop, but he laid down certain

conditions, of which the petitioner-Society is aggrieved.

Since there are allegations against the Society that they are not even holding the General Body Meeting and are not distributing the profits amongst all members of the Society, we do not think the conditions imposed by the learned Single Judge need any interference from us. In any case, the conditions imposed by the learned Single Judge would not be, in any way, detrimental to the interests of the Society. The learned Single Judge only held that the fishing exploitation shall be made in consultation with the Assistant Director of Fisheries in the presence of five members of the Society chosen by the Fisheries Development Officer. That does not mean that the Executive Committee of the Society could also not be present. This is only to ensure that the sale proceeds are correctly accounted for and are distributed amongst all the members, particularly in view of the fact that there are allegations against the Society that it is not even calling the General Body Meeting in terms of the Act and a notice given to it for calling the meeting was challenged, which is subject matter of another writ petition being W.P.No.9871 of 2006. We had called for the file and we have perused it. The Society has already obtained a stay for convening the General Body Meeting.

In this view of the matter, the appeal is dismissed.

(BILAL NAZKI, J)

14th August 2006

(M. VENKATESWARA REDDY, J)

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